

**DRAFT**  
**A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD  
MARCH 8, 2007 AT 11:00 A.M. IN WARRENTON, VIRGINIA**

P R E S E N T      Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman;  
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;  
Mr. Paul S. McCulla, County Administrator; Mr. Kevin J. Burke, County  
Attorney

A B S E N T          None

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**A CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL REGARDING  
SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL COUNSEL  
RELATED TO THE DOMINION 500-KV POWER LINE PROPOSAL, PURSUANT TO  
SECTION 2.2-3711(A)(7)**

Mr. Atherton moved to go into a closed meeting, pursuant to §2.2-3711(A)(7) of the Code of Virginia, to discuss specific legal matters requiring the advice of legal counsel related to the proposed Dominion Virginia Power 500-kv power line, and the vote for the motion was unanimous as follows:

*Ayes:                                Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G.  
Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays:                                None*  
*Absent During Vote:        None*  
*Abstention:                    None*

Upon reconvening from the closed meeting, Mr. Atherton moved, without objection, to adopt the following certification.

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 8<sup>th</sup> day of February 2007, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS UPDATE**

David Cubbage, Assistant Resident Engineer of the VDOT Warrenton Residency Office, briefed the Board of Supervisors on the status of specific projects within Board members' Magisterial Districts and reviewed the VDOT 2007-2008 through 2012-2013 Secondary Road Six-Year Plan and the 2007-2008 Fiscal Year Budget.

## **FY 2008 BUDGET WORK SESSION**

Paul S. McCulla, County Administrator, and Bryan Tippie, Budget Director, provided an overview of the County Administrator's Proposed FY 2008 Budget, Capital Improvements Program Plan, and Tax Rate.

The meeting was reconvened in Regular Session at 6:30 p.m.

## **INVOCATION**

Mr. Stribling offered the invocation.

## **PLEDGE OF ALLEGIANCE**

Mr. John Griffin led the pledge of allegiance.

## **ADOPTION OF THE AGENDA**

Mr. Graham moved to adopt the agenda with the following changes. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

- Remove consent agenda item "6.d.," a Resolution to Request the Planning Commission to Review and Provide Comment to the Board of Supervisors on the Draft Fauquier County Water Resource Management Plan.

- Remove consent agenda item “6.e.,” a Resolution to Authorize the Initiation of a Text Amendment to the Fauquier County Zoning Ordinance to Partially Exempt the Fauquier County Water and Sanitation Authority from County Zoning Requirements.
- Add new consent agenda item “6.g.,” a Resolution Initiating a Zoning Ordinance Text Amendment to Article 8 to Allow Additional Building Signage on Large Buildings Set Back from the Street with Special Exception Approval.
- Add new regular agenda item #9, a Resolution to Authorize the Hiring of Counsel to Represent the County before the State Corporation Commission in the Dominion 500-Kv Transmission Line Application.

### **CITIZENS' TIME**

- John Griffin, Cedar Run District, urged the Board of Supervisors to fully fund the proposed School Board budget, and to consider increasing taxes by 10¢ in 2008 and 10¢ in 2009 to accommodate the additional funding for the School operating budget.
- Brian Murphy, Lee District, presented a petition to the Board of Supervisors and asked that the Board recommend to the Virginia Department of Transportation that it would be prudent to halt further closures of the crossovers on Route 29 until additional impact studies can be accomplished.
- Sheryl Wolfe, Lee District, representing Fauquier Alliance for Better Schools, urged the Board of Supervisors to fully fund the School budget, and to permit construction of additional elementary schools in the southern region of the County.

### **PROCLAMATIONS AND RECOGNITIONS**

- Frederick P.D. Carr, Director of Community Development, presented the Engineers and Surveyors Institute Award in Recognition of Bury + Partners for Quality Plan Production in Fauquier County.
- Frederick P.D. Carr, Director of Community Development, presented the Engineers and Surveyors Institute Award in Recognition of Fred D. Ameen, Jr. for Quality Technical Collaboration in Fauquier County.
- Mr. Atherton presented to Mrs. Judith Risdon a Proclamation Honoring the Life of Willis P. Risdon.
- Mr. Atherton presented a Proclamation Designating May 1, 2009 as an Official County Holiday to Commemorate the 250<sup>th</sup> Anniversary of Fauquier County.

## **CONSENT AGENDA**

Mr. Graham moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

### **Approval of the Minutes for the February 8, 2007 Regular Meeting of the Fauquier County Board of Supervisors**

### **A Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing for the Central Elementary School**

#### **RESOLUTION**

#### **A RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING FOR THE ELEVENTH ELEMENTARY SCHOOL**

WHEREAS, Fauquier County, Virginia (the “Borrower”), intends to undertake various capital improvements for or on behalf of the Borrower’s public school system including without limitation acquisition, construction and equipping of an 11<sup>th</sup> Elementary School ( the “Project”); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of March 2007, That:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt, in an amount not currently expected to exceed \$17,500,000 to pay the costs of the Project.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after January 8, 2007, which date is no more than 60 days prior to the date hereof. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This resolution shall take effect immediately upon its passage by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of March, 2007.

**A Resolution to Authorize the County Administrator to Execute a Lease on Behalf of Fauquier County with Brian S. Montgomery for Office Space Located at 35 Culpeper Street**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A  
LEASE ON BEHALF OF FAUQUIER COUNTY WITH BRIAN S. MONTGOMERY FOR  
OFFICE SPACE LOCATED AT 35 CULPEPER STREET

WHEREAS, the previous lease with Fauquier County to locate the Office of Economic Development at 35 Culpeper Street with Brian S. Montgomery has expired; and

WHEREAS, the Department of Economic Development and Brian S. Montgomery have agreed upon the basic tenets of the proposed lease; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of March 2007, That the County Administrator be, and is hereby, authorized to execute a lease on behalf of Fauquier County with Brian S. Montgomery, consistent with the terms and conditions agreed to in the lease document, at such time as the lease has been approved by the County Attorney.

**A Resolution to Adopt a Board of Supervisors' Policy on Parcels 25 Acres or Smaller in Agricultural and Forestal Districts**

RESOLUTION

A RESOLUTION TO ADOPT A BOARD OF SUPERVISORS' POLICY ON PARCELS 25 ACRES OR SMALLER IN AGRICULTURAL AND FORESTAL DISTRICTS

WHEREAS, the Board of Supervisors met on June 8, 2006 and asked that the Agricultural and Forestal District Advisory Committee review the policy on parcels less than 25 acres in size and make recommendations, if any, on the policy; and

WHEREAS, on November 1, 2006, the Agricultural and Forestal District Advisory Committee met, revised, and unanimously recommended approval of the revised policy; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> of March 2007, That the revised policy on parcels 25 acres or smaller in Agricultural and Forestal Districts is hereby adopted as follows:

1. No parcel less than 5 acres in size shall be added to an agricultural and forestal district.
2. Parcels from 5 acres to 25 acres in size may be included in the agricultural and forestal district provided that:
  - a) The parcel is under a perpetual conservation or open space easement held for public benefit; or
  - b) The parcel is under the same or family ownership as other parcels which together comprise a contiguous tract of at least 25 acres. Such groups of parcels shall be evaluated for inclusion in the District under the same criteria established for parcels 25 acres or greater in size.

**Preliminary Plat PPLT06-MA-024 - Linden Hill Estates, Marshall District**

No action was taken.

**A Resolution to the Virginia Board of Historic Resources and the National Park Service Supporting the Inclusion of Springs Valley on the Virginia Landmarks and National Registers**

## RESOLUTION

### A RESOLUTION TO THE VIRGINIA BOARD OF HISTORIC RESOURCES AND THE NATIONAL PARK SERVICE SUPPORTING THE INCLUSION OF SPRINGS VALLEY ON THE VIRGINIA LANDMARKS AND NATIONAL REGISTERS

WHEREAS, Springs Valley encompasses approximately 7,510 acres of pristine hunt country, equestrian and agricultural estates, and the historically-significant African-American community of Turnbull; and

WHEREAS, 572 contributing resources retain a high integrity within a period of significance between 1750 and 1957; and

WHEREAS, 405 contributing buildings, 131 contributing structures and 36 contributing sites have been documented by architectural historian Cheryl Hanback Shepherd; and

WHEREAS, the research and documentation required for this nomination was citizen initiated and funded; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of March 2007, That the Board does hereby support and encourage the Virginia Board of Historic Resources to include the Springs Valley Rural Historic District, located in the Marshall Magisterial District, in the Virginia Landmarks Register; and, be it

RESOLVED FURTHER, That the Virginia Board of Historic Resources recommend to the National Park Service, due to the established and unique history and National significance of Springs Valley, that this valley be enrolled in the National Register of Historic Places.

### **A Resolution Initiating a Zoning Ordinance Text Amendment to Article 8 to Allow Additional Building Signage on Large Buildings Set Back From the Street with Special Exception Approval**

## RESOLUTION

### A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 8 TO ALLOW ADDITIONAL BUILDING SIGNAGE ON LARGE BUILDINGS SET BACK FROM THE STREET WITH SPECIAL EXCEPTION APPROVAL

WHEREAS, it is appropriate to amend the Zoning Ordinance to refine signage requirements for commercial and industrial uses; and

WHEREAS, Fauquier County seeks to provide clearer and more flexible zoning regulations in support of business development in the County; and

WHEREAS, adoption of the attached amendments to Section 8-1501 supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of March 2007, That amendments to Section 8-1501 related to signage in commercial and industrial zones be, and is hereby, initiated and referred to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the following represents the proposed changes for consideration:

**PART 15**                                      **8-1500**                                      **COMMERCIAL ZONES AND INDUSTRIAL ZONES**  
**8-1501**

1. Total Sign Area:

A. In areas zoned as designated Villages: on properties housing only one (1) tenant, the total maximum allowable sign area will not exceed two (2) square feet of area for each of the first twenty-five (25) linear feet of building frontage. No total sign area, however, shall exceed seventy-five (75) square feet in area.

B. Outside areas zoned as designated Villages:

(1) ~~Fronting a primary highway:~~ On properties housing only one (1) tenant, the total maximum allowable sign area will not exceed two (2) square feet of area for each of the first fifty (50) linear feet of building frontage, plus one (1) square foot of sign area for each linear foot over fifty (50) linear feet of building frontage. No total sign area, however, shall exceed 150 square feet in area **except that additional signage up to the maximum established in the first sentence may be authorized by special exception for buildings larger than 100,000 square feet provided that any sign larger than 150 square feet shall be set back from all streets at least (1) one foot for each (1) one square foot of sign.**

(2) On properties housing more than one (1) tenant, A or B above will apply to the frontage allocable to each tenant.

**APPOINTMENTS**

No appointments were made.



**A RESOLUTION OPPOSING THE SOUTHERN ROUTE FOR THE 500-KV POWERLINE PROPOSED BY DOMINION AND ALLEGHENY POWER AND RESTATING THE BOARD'S OPPOSITION TO THE FEDERAL DESIGNATION REQUESTED FOR THIS LINE**

Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

RESOLUTION

**A RESOLUTION OPPOSING THE SOUTHERN ROUTE FOR THE 500-KV POWERLINE PROPOSED BY DOMINION AND ALLEGHENY POWER AND RESTATING THE BOARD'S OPPOSITION TO THE FEDERAL DESIGNATION REQUESTED FOR THIS LINE**

WHEREAS, Dominion Virginia Power (Dominion) and Allegheny Power have proposed to build a five-hundred kilovolt electric transmission line connecting the Mount Storm power station in West Virginia with the Loudoun County substation in Northern Virginia; and

WHEREAS, Dominion has identified a possible route for the proposed transmission line following an existing transmission line corridor (the "Southern Route") through the Marshall, Lee and Cedar Run Magisterial Districts of Fauquier County; and

WHEREAS, the new Southern Route proposal released by Dominion Power would undermine Federal governmental and historic protections, including the: National Environmental Policy Act, American Farm and Ranch Protection Act, United States National Trails System Act of 1968, The National Park System, National Historic Preservation Act of 1966, Federal Water Pollution Control Act; and

WHEREAS, the Southern Route power line proposal would do considerable harm to Fauquier County's Comprehensive Plan, which places a high value on agriculture, rural character, scenic viewsheds, tourism and environmental, historic and cultural resources; and

WHEREAS, the power line proposal would harm Fauquier County's open-space and conservation easement program; and

WHEREAS, the Southern Route proposal would do considerable harm to the County's agricultural and forestal districts; and

WHEREAS, Dominion and Allegheny Power have not proven that the need for such a line is necessitated by the power needs of Fauquier County, Northern Virginia or the Commonwealth of Virginia as a whole; and

WHEREAS, since sensible national energy policy must foster an optimal mix of deliverable power from diverse sources, the Board of Supervisors does not believe this line will enhance electric reliability or security; and

WHEREAS, the Board of Supervisors has previously adopted a resolution dated December 14, 2006 stating its opposition to the previous Dominion power line siting proposals and to Allegheny's request for federal NIET Corridor designation of a power line corridor; and

WHEREAS, the Southern Route proposal, and the other previous power line site proposals, would cause economic damage to the owners of property within or near the 500kv power line proposed by Dominion and would also cause fiscal damage to the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of March 2007, That the Board of Supervisors does hereby state its opposition to the Southern Route for the 500-kv power line proposed by Dominion; and, be it

RESOLVED FURTHER, That the Board does hereby restate its opposition, as set forth in its Resolution dated December 14, 2006, to the NIET Corridor designation requested by Dominion and Allegheny Power and any future designation of NIET Corridors without consultation with Virginia, examination of alternatives, and the prior completion of a Programmatic Environmental Impact Statement; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors does hereby state its opposition to the approval of any other power line route by the Virginia State Corporation Commission without a clear and convincing showing of the need for such power by Fauquier County, Northern Virginia and the Commonwealth of Virginia.

**A RESOLUTION TO AUTHORIZE THE HIRING OF COUNSEL TO REPRESENT FAUQUIER COUNTY BEFORE THE STATE CORPORATION COMMISSION IN THE DOMINION 500-KV TRANSMISSION LINE APPLICATION**

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

## RESOLUTION

### A RESOLUTION TO AUTHORIZE THE HIRING OF COUNSEL TO REPRESENT FAUQUIER COUNTY BEFORE THE STATE CORPORATION COMMISSION IN THE DOMINION 500-KV TRANSMISSION LINE APPLICATION

WHEREAS, the Board of Supervisors is opposed to the proposed 500 Kv transmission line which Dominion Virginia has proposed to cross Fauquier County; and

WHEREAS, Dominion Virginia has stated that it intends to file an application in April of 2007 to request permission from The State Corporation Commission to install the 500 Kv transmission line; and

WHEREAS, the County has determined that it is appropriate and in the public interest to retain Counsel to represent it in this proceeding; and

WHEREAS, the County desires to retain the law firm of McCandlish and Lillard, PC; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of March 2007, That the County Attorney and the County Administrator be and are hereby authorized to execute a retainer agreement to retain McCandlish and Lillard, PC.

### **A RESOLUTION TO ADOPT THE 2007-2008 THROUGH 2012-2013 SECONDARY ROAD SIX-YEAR PLAN AND THE 2007-2008 FISCAL YEAR BUDGET**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION TO ADOPT THE 2007-2008 THROUGH 2012-2013 SECONDARY ROAD SIX-YEAR PLAN AND THE 2007-2008 FISCAL YEAR BUDGET

WHEREAS, the 2007-2008 through 2012-2013 Secondary Construction Six-Year Plan and the 2007-2008 Fiscal Year Budget for Fauquier County was duly advertised for public hearing and said public hearing was held on January 11, 2007, and that the items brought forth at the public hearing were duly considered; and

WHEREAS, on October 18, 2006, the Fauquier County Transportation Committee recommended adoption of the Secondary Road Six Year-Plan for 2007-2008 through 2012-2013 transportation priorities, which are outlined herein; and

WHEREAS, on January 11, 2007, the Board of Supervisors held a joint public hearing with the Virginia Department of Transportation and received public comment on the Six-Year Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of March 2007, That the 2007-2008 through 2012-2013 Secondary Construction Six-Year Plan and the 2007-2008 Fiscal Year Budget be, and are hereby, adopted as follows:

Priority	Magisterial District	Route	UPC	Route Name	Description of Work
1	Marshall	0798	58119	Dulins Ford Road	Reconstruct and Surface Treat from Rt. 688 to End of State Maintenance
2	Cedar Run	0748	56092	Eskridges Lane	Reconstruct and Surface Treat from Rt. 806 to End of State Maintenance
3	Cedar Run	0806	18168	Elk Run Road	Improve Curves Near Rt. 640
4	Center/ Scott	0605	11216	Dumfries Road	Turn Lanes at Rt. 674 and Rt. 1401
5	Center/ Scott	0605	11217	Dumfries Road	Turn Lanes and Drainage Near Rt. 674
6	Lee	1201	58118	Lucky Hill Road	Reconstruct and Surface Treat From Rt. 651 to Rt. 655
7	Lee	0823	71964	<u>Spring Mill Road</u>	Hard Surface from Rt. 17 to End of State Maintenance
8	Lee	0655	58123	Tinpot Run Road	Bridge Replacement and Approaches Over Tinpot Run
9	Lee	0651	11153	Sumerduck Road	Bridge and Approaches Over Sumerduck Run
10	Cedar Run	0794	52240	Heddings Road	Reconstruct and Surface Treat from Rt. 611 to End of State Maintenance
11	Scott/ Center	0605	76193	Dumfries Road	Study only - from Rt. 29 to Rt. 676
12	Scott	0600	71965	Broad Run Church Road	Study only - from Rt. 29 to Rt. 676

13	Marshall	0734	11169	Washwright Road	Reconstruct and Surface Treat from Rt. 688 to Rt. 735
14	Marshall	0688	82327	Leeds Manor Road	Bridge Replacements North of Rt. 635
15	Lee	615	T4447	Silver Hill Road	Reconstruct and Surface Treat from Rt. 651 to a Point North of Rt. 651
16	Cedar Run	692	T4448	Kines Road	Reconstruct and Surface Treat from Rt. 670 to End of State Maintenance
17	Marshall	816	T4449	Fenny Hill Road	Reconstruct and Surface Treat from Rt. 724 to End of State Maintenance
18	Marshall	800	T4450	Old Culpeper Road	Reconstruct and Surface Treat from Rt. 29 to End of State Maintenance
9999.99	T2729	4002		Pipe & Entrance	Countywide
9999.99	T2730	4003		Rural Addition	Countywide
9999.99	T2731	4004		Subdivision Plan Review	Countywide
9999.99	T2732	4005		Engineering & Survey	Countywide
9999.99	T2733	4006		Fertilization & Seeding	Countywide
9999.99	T2734	4007		Traffic Services	Countywide
9999.99	T2735	4008		Right of Way Engineering	Countywide
9999.99	T2736	4009		Traffic Calming	Countywide
9999.99	T2737	8888		Future State Match HES/RR Safety	Countywide
9999.99	T2738	8888		Future Budget Items & Plant Mix	Countywide
9999.99	T2739	8888		Future Unpaved Funds: YR4-YR6	Countywide
9999.99	T1973	8888		CWI7-030-000	Countywide

**A RESOLUTION TO INITIATE A ZONING ORDINANCE TEXT AMENDMENT TO AUTHORIZE A SPECIAL EXCEPTION TO PERMIT THE USE OF DENSITY FROM ADJOINING PROPERTIES IN THE RA AND RC ZONES WITHOUT PARCEL CONSOLIDATION**

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**RESOLUTION**

**A RESOLUTION TO INITIATE A ZONING ORDINANCE TEXT AMENDMENT TO AUTHORIZE A SPECIAL EXCEPTION TO PERMIT THE USE OF DENSITY FROM ADJOINING PROPERTIES IN THE RA AND RC ZONES WITHOUT PARCEL CONSOLIDATION**

WHEREAS, the Board of Supervisors has reviewed a proposed text amendment that would permit the use of residential density from an adjoining parcel temporarily encumbered by a special exception which precludes residential development, or which is not in common ownership with the adjoining parcel as is currently permitted upon consolidation of adjoining parcels in the RA and RC zones; and

WHEREAS, the Board of Supervisors has determined that the initiation and consideration of the proposed text amendment is appropriate and in the public interest, and is consistent with good zoning practice and public convenience; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th of March 2007, That the Board does hereby forward the following proposed text amendment to the Fauquier County Planning Commission for its consideration and recommendation.

**PROPOSED TEXT:**

**5-3200 Standards to Permit the Use by an Adjacent Property of Residential Density of a Parcel by Special Exception Without Consolidation of Parcels.**

The residential density of a parcel located within an RA or RC zone and which a) is subject to a temporary restriction on residential development because the property is the subject of a special exception for non-residential use or b) is in separate ownership which precludes consolidation with an adjoining parcel or c) is in common ownership with the adjoining parcel where the owner does not desire to consolidate the

parcels may be utilized for subdivision on an adjoining RA or RC zoned property provided that the owner obtains a special exception to permit such use and further provided that the following conditions are met:

1. The property which is subject to the temporary restriction upon residential development or which is the source of the density shall be subjected to an easement which precludes residential development of the subject property in perpetuity.
2. The residential density shall be utilized on the adjacent parcel by mutual agreement between the adjoining property owners upon joint application for the required special exception and upon imposition of the required permanent easement referred to in paragraph 1.
3. The development of the parcels shall comply with all requirements of this ordinance, including but not limited to the open space requirements of Section 2-406 unless the applicant has obtained a reduction in open space pursuant to Section 5-2600 of this ordinance; the terms of the easement required by paragraph 1 above may be considered as a factor in determining whether the requirements of Section 5-2600 are met with respect to the proposed special exception for reduction in open space.

### **SUPERVISORS' TIME**

- Mr. Robison spoke in opposition to construction of Dominion Virginia 500-kv power lines anywhere within Fauquier County. He also wished everyone a happy St. Patrick's Day.
- Mr. Stribling stated that he is extremely aware of the crossover closings on Route 29 and that the original discussions about the crossovers related to the safety factor after a fatal accident, as well as concerns expressed by residents about increased traffic. He added that discussions are continuing with VDOT officials relating to the timeline for the completion of this transportation project. Mr. Stribling agreed that the proposed Dominion Virginia 500-kv power lines are unacceptable and he expressed his appreciation to the Piedmont Environmental Council for hosting a recent public information presentation at Liberty High School. Mr. Stribling stated the roadside cleanup is beginning to occur and he urged citizens to impart to their children and the next generation a greater sense of responsibility to their community and the environment. Mr. Stribling expressed his appreciation to Nancy Albert for her service to the County Administration and wished her well in her new endeavors.

- Mr. Graham reiterated his strong opposition to the construction of Dominion Virginia 500-kv power lines in Fauquier County. Mr. Graham expressed his condolences to Mrs. Mildred Riddell for the death of her husband Lt. Col. Robert Riddell (Ret.).
- Mr. Downey wished Nancy Albert well and expressed hi thanks for her professionalism and service to the County. Mr. Downey concurred with the opposition to proposed Dominion Virginia 500-kv power lines in Fauquier County and stated that in his opinion they have not demonstrated a need to cut through Fauquier County. Mr. Downey stated that during the FY 2008 budget deliberations, it is vital the community's economic health for this Board to focus on ways to increase revenue through non-residential tax base in Fauquier County.

### **ANNOUNCEMENTS**

- Anthony Hooper, Deputy County Administrator, announced that Board members have been invited to attend a dinner meeting hosted by the Fauquier Farm Bureau on March 26, 2007, at 6:00 PM at the Inn at Vint Hill.
- Anthony Hooper, Deputy County Administrator, announced that the Board of Supervisors and the School Board will hold a joint Budget Work Session on March 15, 2007, at 5:00 PM in the Warren Green Building Meeting Room located at 10 Hotel Street in Warrenton, Virginia. He then reviewed the complete schedule of the Fiscal Year 2008 Budget Calendar, which is also available for viewing on the County website at [www.fauquiercounty.gov](http://www.fauquiercounty.gov).
- Anthony Hooper, Deputy County Administrator, announced that the next regular meeting of the Board of Supervisors will be held April 12, 2007, at 6:30 PM in the Warren Green Building Meeting Room located at 10 Hotel Street in Warrenton, Virginia.

### **A RESOLUTION TO AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$6,036,292**

A public hearing was held to consider various budget related issues in the amount of \$3,507,645 in appropriations, \$2,593,840 in transfers and \$65,193 in de-appropriations for FY 2007. Bryan Tippie, Budget Director, summarized the proposed amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>



## RESOLUTION

### A RESOLUTION TO AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$6,036,292

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 30, 2006 adopted the Fauquier County FY 2007 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its February meeting the Finance Committee has recommended for FY 2007 budget adjustments of \$6,036,292 for the purposes set forth below; and

WHEREAS, on March 8, 2007, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of March 2007,  
That the FY 2007 Budget be, and is hereby, amended in the amount of \$6,036,292 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
FY 2007					
Vint Hill	3-100-189900-0050	\$18,750	Finance	4-100-012722-1101	\$9,375
			Human Resources	4-100-012600-1302	\$9,375
Insurance Reimbursement	3-100-411000-0010	\$1,336	Sheriff's Office	4-100-031200-3311	\$1,336
State Funds	3-100-244100-0150	\$5,011	Sheriff's Office	4-100-031240-8201	\$5,011
Federal Funds	3-100-335000-0010	\$15,470	Social Services	4-100-053165-5420	\$15,470
Warrenton-Fauquier Joint Communications Center (WFJCC)	4-220-031410-5230	\$14,724	Information	4-100-012511-5230	\$19,812
	4-220-031400-5230	\$5,088	Technology (IT)		
Local Swimming Pool Revenue	3-100-161302-0013	\$5,116	Parks & Recreation (P&R)	4-100-071150-1302	\$2,926
				4-100-071150-2100	\$224
				4-100-071150-3320	\$438
				4-100-071150-3840	\$40
				4-100-071150-6001	\$188
				4-100-071150-6015	\$1,300
State Funds	3-100-244400-0010	\$4,950	Reimbursement Comprehensive Maintenance for Armory	4-100-043414-3160	\$4,950
Bond Interest	3-302-151000-0010	\$380,318	Northern Sports Field Complex	4-302-71141-3160	\$380,318
F&RA	4-270-32200-5230	\$22,000	Information	4-100-012511-5230	\$34,000

Fleet Maintenance	4-210-43414-5230	\$2,000	Technology (IT)		
Environmental Svs.	4-513-42731-9999	\$10,000			
Telephone Funds					
Fund Balance	3-100-419000-0010	\$3,022,882	School Division	4-204-61100-6013-312-901	\$16,151
				4-205-61100-6013-300-100	\$6,164
				4-205-61100-6013-300-100	\$17,407
				4-205-61800-6050-900-000	\$21,494
				4-205-62124-6047-900-000	\$20,000
				4-205-63200-6047-900-000	\$340,740
				4-205-63200-8107-900-000	\$405,586
				4-205-64100-6047-900-000	\$2,280
				4-205-64110-3160-900-000	\$1,021
				4-205-64110-5420-900-000	\$2,735
				4-205-64110-6047-900-000	\$98,794
				4-205-64111-6047-900-000	\$9,540
				4-205-64111-8201-900-000	\$957,818
				4-205-64200-5420-900-000	\$143,321
				4-205-64210-3160-900-000	\$4,616
				4-205-64210-3310-900-000	\$530,033
				4-205-67100-9140-900-000	\$244,327
				4-205-67100-9150-900-000	\$9,456
				4-205-61800-6047-900-000	\$63,217
				4-302-91400-0205	\$128,182
Utility Fund	4-310-44310-3160	\$468,173	Finance	4-310-44302-5130	\$73
(Transfer)	4-310-44310-8215	\$1,343,834		4-310-44302-8225	\$442
	4-310-44900-8215	\$47,285		4-310-44311-5540	\$1,764
				4-310-99999-9999	\$1,857,013
Temporary Salary	4-100-011010-1302	\$1,295	Budget Office	4-100-091400-9601	\$44,293
Funds	4-100-012110-1302	\$476			
(Transfer)	4-100-012310-1302	\$570			
	4-100-012410-1302	\$2,920			
	4-100-012511-1302	\$645			
	4-100-012650-1302	\$391			
	4-100-012721-1302	\$120			
	4-100-012900-1302	\$543			
	4-100-013200-1302	\$3,508			
	4-100-021100-1302	\$2,086			
	4-100-021600-1302	\$3,476			
	4-100-021720-1302	\$1,783			
	4-100-022100-1302	\$518			

	4-100-031200-1302	\$2,437			
	4-100-043410-1302	\$879			
	4-100-043412-1302	\$395			
	4-100-043413-1302	\$1,901			
	4-100-043418-1302	\$322			
	4-100-043419-1302	\$249			
	4-100-053110-1302	\$4,189			
	4-100-053160-1302	\$119			
	4-100-071130-1302	\$6,964			
	4-100-071140-1302	\$2,806			
	4-100-071150-1302	\$914			
	4-100-071160-1302	\$962			
	4-100-081400-1302	\$2,015			
	4-100-081800-1302	\$1,810			
General Services – Operations (Transfer)	4-100-043413-1101	\$245,606	General Services - Maintenance	4-100-043412-1101	\$245,606
	4-100-043413-2100	\$18,790		4-100-043412-2100	\$18,790
	4-100-043413-2210	\$30,701		4-100-043412-2210	\$30,701
	4-100-043413-2400	\$3,138		4-100-043412-2400	\$3,138
	4-100-043413-4210	\$10,000		4-100-043412-4210	\$10,000
	4-100-043413-4220	\$2,000		4-100-043412-4220	\$2,000
	4-100-043413-4230	\$1,500		4-100-043412-4230	\$1,500
	4-100-043413-5255	\$360		4-100-043412-5255	\$360
	4-100-043413-6011	\$1,500		4-100-043412-6011	\$1,500
	4-100-043413-6047	\$5,800		4-100-043412-6047	\$5,800
	4-100-043413-6050	\$3,000		4-100-043412-6050	\$3,000
	4-100-043413-8103	\$4,838		4-100-043412-8103	\$4,838
General Services – Operations (Transfer)	4-100-043413-1101	\$42,619	General Services – Buildings & Grounds	4-100-043418-1101	\$42,619
	4-100-043413-1302	\$10,000		4-100-043418-1101	\$10,000
	4-100-043413-1201	\$4,880		4-100-043418-1201	\$4,880
	4-100-043413-1302	\$6,050		4-100-043418-1302	\$6,050
	4-100-043413-2100	\$4,420		4-100-043418-2100	\$4,420
	4-100-043413-2210	\$5,327		4-100-043418-2210	\$5,327
	4-100-043413-2400	\$597		4-100-043418-2400	\$597
	4-100-043413-5210	\$150		4-100-043418-5210	\$150
	4-100-043413-6011	\$700		4-100-043418-6011	\$700
	4-100-043413-6047	\$4,000		4-100-043418-6047	\$4,000
Capital Fund (Transfer)	4-302-66620-8730	\$27,675	Capital Fund, School Division	4-302-66600-8701	\$27,675
Capital Fund (Transfer)	4-302-66630-8725	\$19,766	Capital Fund, School Division	4-302-66610-8722	\$69,266
	4-302-66620-8729	\$49,500			
Capital Fund (Transfer)	4-302-66600-8706	\$51,888	Capital Fund, School Division	4-302-66610-8713	\$175,298
	4-302-66610-8718	\$123,410			
Contingency Reserve (Transfer)	4-100-091400-9999	\$2,040	Board of Supervisors	4-100-081400-5646	\$2,040
Contingency Reserve (Transfer)	4-100-091400-9999	\$10,000	Finance	4-100-012240-3120	\$10,000
General Fund (De-appropriation)	4-100-021730-1101	\$42,936	Environmental Services	3-513-419000-0020	\$42,936
Fire & Rescue Contingency (De-appropriation)	4-270-32200-9999	\$22,257	Fire & Rescue Fund Balance	3-270-419000-0010	\$22,257
<b>TOTAL</b>		<b>\$6,036,292</b>			<b>\$6,036,292</b>

## **PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE - SECTION 7-302**

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 7-302 to allow the Board of Supervisors to modify certain private street requirements for streets serving lots created by large lot subdivision and family transfers. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendments. John Foote, Esquire, requested favorable consideration of the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

### **ORDINANCE**

#### **A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 7-302 TO ALLOW THE BOARD OF SUPERVISORS TO MODIFY CERTAIN PRIVATE STREET REQUIREMENTS FOR STREETS SERVING LOTS CREATED BY LARGE LOT SUBDIVISION AND FAMILY TRANSFERS**

WHEREAS, on November 9, 2006, the Board of Supervisors initiated this text amendment; and

WHEREAS, on December 19, 2006, the Planning Commission conducted a public hearing on the proposed text amendment and, on January 25, 2007, forwarded the proposed text amendment to the Board of Supervisors unanimously recommending denial; and

WHEREAS, on March 8, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 7-302 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of March 2007, That Section 7-302 be, and is hereby, amended as follows:

### **7-302**

#### **Limitations**

**1.** The following limitations shall apply ~~unless modified by the Board in conjunction with a request for a special exception permit, site plan approval or subdivision plan approval provided the applicant can show that no other remedy is realistically feasible, that plausible alternatives~~

~~have been exhausted, that to not so modify the applicable limitation(s) would place an unreasonable restriction on the use of the property and that properties through which access is planned will not be unreasonably affected:~~

~~1~~**A.** All types:

~~A~~**(1)** Private streets within a development shall be limited to those streets which are not required or designed to provide access to adjacent properties or the remainder of the tract being developed, or other streets, as determined by the Commission.

~~B~~**(2)** The private street must connect directly to a state maintained street. In reviewing applications for a waiver of this limitation, the Board may consider as an additional factor in granting such waiver the development limitations which are imposed on the subject property because the proposed division is either (1) a family transfer pursuant to §2-39 of the Fauquier County Subdivision Ordinance, or (2) a large lot subdivision pursuant to §2-310 of this Ordinance provided that the parent property is subject to a conservation easement held by a body politic or a political subdivision of the State.

~~C~~**(3)** The right-of-way must be a minimum of fifty (50) feet in width.

~~D~~**(4)** Streets traversing lots - No private street shall be approved which traverses a lot except along the boundaries of such lot or except where the portions of the lot on either side of the new street satisfy the minimum requirements of this Ordinance for the creation of lots.

~~2~~**B.** Type II - No private street(s) shall serve more than seven (7) lots.

~~3~~**C.** Type III - Cannot be zoned Commercial or Industrial.

2. The Board may modify the foregoing limitations in conjunction with a request for a special exception permit, site plan approval or subdivision plan approval provided the applicant can show that no other remedy is realistically feasible, that plausible alternatives have been exhausted, that to not so modify the applicable limitation(s) would place an unreasonable restriction on the use of the property and that properties through which access is planned will not be unreasonably affected.

## **PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE – ARTICLE 13, PART 2**

A public hearing was held to consider a Zoning Ordinance Text Amendment to Article 13, Part 2 pertaining to the procedures for amending the Fauquier County Zoning Map and Ordinance. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendments. Chuck Floyd, of Carson & Ashley, spoke in opposition to the proposed amendment, citing potential delays in the application process. No one else spoke. The public hearing was closed. Mr. Graham moved to postpone action on this item, and to schedule a work session during the next regular meeting on April 12, 2007, to more closely review the proposed amendment. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

## **COMPREHENSIVE PLAN AMENDMENT TO NEW BALTIMORE SERVICE DISTRICT**

A public hearing was held to consider proposed amendments to the Comprehensive Plan Chapter 6 – New Baltimore Service District. Frederick P.D. Carr, Director of Community Development, summarized the proposed amendment. Chuck Medvitz, Scott District, discussed the potential for commercial development and encouraged the Board to carefully review the impact of building out the commercial areas on Route 600. Robert Dunleavy, Scott District, spoke in opposition to the proposed amendment that would expand commercial zoning. Barbara Severin, Scott District, spoke in opposition to changes that would permit commercial development at Route 600 near Route 29 and urged the Board to adopt the original plan as proposed by the New Baltimore Service District citizens review committee. No one else spoke. The public hearing was closed. Mr. Downey moved to postpone action on this matter until the next regular meeting on April 12, 2007. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**SPECIAL EXCEPTION #SPEX07-SC-009 – BISHOP’S RUN, LLC, OWNERS, AND NBVFRC, APPLICANTS – NEW BALTIMORE FIRE AND RESCUE COMPANY**

A public hearing was held to consider an application to obtain a Category 11 Special Exception to allow public and quasi-public uses for a fire station. The property is located on Riley Road, Scott District, further identified as PIN #7916-12-8941-000. Frederick P.D. Carr, Director of Community Development, summarized the application. John DePerro, Cedar Run District, spoke in favor of the application for special exception. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

***Ayes:*** ***Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays:*** ***None***  
***Absent During Vote:*** ***None***  
***Abstention:*** ***None***

**RESOLUTION**

**A RESOLUTION TO APPROVE SPEX07-SC-009: CATEGORY 11 SPECIAL EXCEPTION TO BUILD THE NEW BALTIMORE FIRE AND RESCUE STATION**

WHEREAS, New Baltimore Fire and Rescue Company, applicant, is seeking Special Exception approval to build and operate a fire and rescue station; and

WHEREAS, the applicant seeks this approval under Category 11 to build a combined fire and rescue station in the New Baltimore Service District; and

WHEREAS, on January 25, 2007, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of this application, subject to conditions; and

WHEREAS, on March 8, 2007, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of the Zoning Ordinance Articles 5-006 and 5-110; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of March 2007, That SPEX07-SC-009 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. The development of the property shall be in general conformance with the Special Exception Plat dated November 15, 2006.
4. A site plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
5. The Special Exception shall be granted for an indefinite period.
6. The facility may be used for overnight accommodations for personnel.
7. Ingress and egress shall be in accord with County and VDOT standards of approval.
8. Sight distance profile for both entrances shall be shown using a 50 mph design speed.
9. Curb and gutter on Route 676 shall be CG-7 due to the 50 mph design speed.
10. The entrance to the Bishop's Run commercial site shall be shown. It appears that due to the proximity of the two entrances, curb and gutter will need to be tied together.
11. The vehicles trips per day shall include any trips associated with the fire station and the fueling station uses.
12. An oil/grit separator shall be provided as an inline treatment before runoff from the refueling area enters any type of BMP/SWM facility.

**SPECIAL EXCEPTION #SPEX07-CR-011 – PATRICIA SANDERS, OWNER, AND SUPERIOR PAVING CORPORATION, APPLICANT – SUPERIOR PAVING CORPORATION**

A public hearing was held to consider an application to obtain a Category 17 Special Exception to allow for the construction and operation of a new hot asphalt plant that will update the original plant. The property is located on Turkey Run Road (Route 779) northeast of its intersection with Meetze Road (Route 643), in Cedar Run District, further identified as PIN #6992-97-5454-000. Frederick P.D. Carr, Director of Community Development, summarized the application. Chuck Floyd, of Carson & Ashley, requested favorable consideration on behalf of the applicant. Mike Cornish, Cedar Run District, expressed concern about what appears to be the removal of natural buffers and the potential for subsequent noise. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:



*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

## RESOLUTION

### A RESOLUTION TO APPROVE A CATEGORY 17 SPECIAL EXCEPTION TO ALLOW THE CONSTRUCTION AND OPERATION OF A NEW HOT MIX ASPHALT PLANT (SPEX07-CR-011), SUPERIOR PAVING CORPORATION

WHEREAS, Superior Paving Corporation, applicant, is seeking a Category 17 Special Exception under Zoning Ordinance Section 3-317 5., Heavy Industrial Uses, which would allow for the construction and operation of a new hot mix asphalt plant to replace an existing plant; and

WHEREAS, on January 25, 2007, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, on February 20, 2007, the Fauquier County Planning Commission recommended approval of the application, subject to conditions; and

WHEREAS, on March 8, 2007, the Fauquier County Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, on March 8, 2007, the Fauquier County Board of Supervisors concurred with the Planning Commission and determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-1703; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of March 2007, That SPEX07-CR-011 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land (148 +/- acres owned by Warrenton Quarry Property, LLC near Warrenton, Virginia "the Property", and more specifically the 15.20 acres leased by Superior Paving Corporation) indicated in this application and is not transferable to other land. Review by the Board of Supervisors shall be required if operation of the hot mix asphalt plant on the Property is transferred to a new hot mix asphalt plant operator (hereinafter, the "transferee"). A transferee may continue to operate under this Special Exception if, prior to the transfer, a transferee is determined by the Board of Supervisors to be an acceptable operator of the plant located on the Property. A determination of a transferee's acceptability shall be initiated by a written request from the Applicant to the Board of Supervisors. Upon receipt by the Board of Supervisors of a written request by the Applicant and required supporting documentation, the Board shall have 120 days to review the request and issue a determination as to the acceptability of a transferee. This 120-day review by the Board of Supervisors is not intended to

constitute a new Special Exception application, and approval of a transferee shall not be unreasonably withheld.

2. This Special Exception is granted only for the purpose(s), and/or uses indicated in the application and as shown on the Special Exception Plat submitted with the application. All purposes and/or uses shall be in general conformance with the Special Exception Plat, as qualified by these development conditions.
3. This Special Exception shall be granted in perpetuity.
4. The applicant shall submit, once every three (3) years, from date of Board of Supervisors approval, a report documenting that the use of the property as approved by the Special Exception is in full compliance with all requirements of law and respect to the maintenance and conduct of the use, with all of the requirements and the standards of the Zoning Ordinance and with all conditions of this Special Exception. This report shall be submitted to the Zoning Administrator to demonstrate compliance.
5. Best Management Practices (BMPs) with emphasis on minimizing noise, dust, odor and vibration shall be implemented for use of all crushing equipment and associated equipment.
6. Fugitive dust shall be suppressed by use of water spraying activities. No oil-based products shall be used for suppression of fugitive dust.
7. All ingress and egress to the facility shall only be through the entrance on Meetze Road (Route 643).
8. Uses associated with Superior Paving Corporation shall be located to minimize impact on adjacent uses and appropriately screened as necessary. The determination of location and screening to be finalized during the site plan process.
9. Normal hours of operation for truck delivery and pick-up shall be limited to 7:00 a.m. to 6:00 p.m. Monday thru Saturday.
10. Truck deliveries and pickups, other than during normal hours of operation, shall be allowed for emergency situations, or for federal, state or local government projects or public utilities requiring off-hour truck deliveries or pickups. The expanded hours shall not adversely impact the surrounding properties.
11. Truck deliveries and pickups, other than during normal hours of operations, for exceptional situations, not categorized in the above item #10 shall be granted pursuant to approval by the Zoning Administrator.
12. Truck loads not to exceed legal capacity limits; except during a declared local, state or federal emergency situation.

13. Adverse impact resulting from a violation of any condition of the Special Exception, as determined by the Board of Supervisors based on competent analysis shall be the responsibility of Superior Paving Corporation to correct to the satisfaction of the County.
14. Groundwater withdrawal or other activity shall not cause a significant depletion of groundwater in the area.
15. All external lighting sources shall be shielded so that lighting is directed downward and source is not directly visible from neighboring properties and the applicant shall meet the standards set forth in the Fauquier County Zoning Ordinance Section 9-1000: Outdoor Light Control and Section 9-900: Glare Standards.
16. The applicant shall obtain written approval regarding the adequacy of the existing entrance on Meetze Road from the Virginia Department of Transportation (VDOT) prior to site plan approval by Fauquier County. Any improvements required by VDOT shall be shown on the minor site plan as required by these conditions.

**REZONING #REZN05-LE-014 AND SPECIAL EXCEPTION #SPEX06-LE-020 – DONALD R. THARPE, TRUSTEE AND TOLL LAND X LIMITED PARTNERSHIP, OWNERS, AND APPLICANTS – COLONIAL CROSSING**

A public hearing was continued from February 8, 2007, to consider an application to rezone approximately sixty (60) acres of an  $\pm 85.03$ -acre parcel from Rural Agricultural (RA) to Residential-4 (R-4) and a  $\pm 3.1$ -acre parcel from Village (V) to R-4 in order to allow for 111 residential units. The applicant also wishes to obtain a Special Exception under Category 20 to allow for a sewer pumping station(s) to serve the proposed Colonial Crossing Development. The properties are located east of the intersection of Marsh Road (Route 17) and Old Marsh Road (Route 837) north of Independence Avenue, in Lee District, further identified as PIN #6899-29-5691-000 and PIN #6990-10-5075-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. James Downey, Esquire, representing the applicant, spoke in favor of the project. No one else spoke. Mr. Stribling moved to continue the public hearing for up to sixty days and postpone a decision on this matter. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

With no further business, the meeting was adjourned at 8:23 PM to reconvene on March 15, 2007.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on March 8, 2007.*

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*Paul S. McCulla*  
*Clerk to the Board of Supervisors*